

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:15-CR-000038-KDB-SCR-4

USA

v.

SAI VANG

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ORDER

THIS MATTER is before the Court upon Defendant Sai Vang's *pro se* motion for reconsideration of this Court's last order (Doc. No. 202) denying a motion for compassionate release and reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A) and the First Step Act of 2018 (Doc. No. 206). Having carefully reviewed the Defendant's motion and all relevant portions of the record, the Court will deny the motion.

Defendant's motion for compassionate release was denied because Defendant did not present extraordinary and compelling reasons for this Court in its discretion to grant compassionate release. (Doc. No. 202). The Fourth Circuit affirmed. (Doc. No. 208). Defendant presents no new evidence that this Court has not previously considered and the Court finds no reason to change its prior ruling.

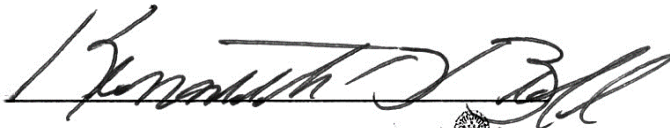
Additionally, the United States Court of Appeals for the Fourth Circuit has ruled that neither the federal statutes nor the Rules of Criminal Procedure authorize a motion for reconsideration in a criminal case. *United States v. Breit*, 754 F.2d 256, 530 (4th Cir. 1985) ("[D]efendant's remedies are limited by the statutes and Federal Rules of Criminal and Appellate Procedure . . . "). Accordingly, a defendant must file

a notice of appeal within 14 days after the entry of the order being appealed. Fed. R. App. P. 4(b)(1)(A)(i).

IT IS, THEREFORE, ORDERED, that Defendant's *pro se* motion for reconsideration (Doc. No. 206), is **DENIED**.

The Clerk is directed to certify copies of this Order to the Defendant and the United States Attorney.

Signed: August 21, 2023

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

